

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

ZACHARY D. LUDENS,

Plaintiff,

vs.

CHIEF JUSTICE DAVID E. GILBERTSON, IN HIS OFFICIAL CAPACITY AS THE CHIEF JUSTICE OF THE SOUTH DAKOTA SUPREME COURT; JUSTICE JANINE M. KERN, IN HER OFFICIAL CAPACITY AS A JUSTICE OF THE SOUTH DAKOTA SUPREME COURT; JUSTICE PATRICIA J. DEVANEY, IN HER OFFICIAL CAPACITY AS A JUSTICE OF THE SOUTH DAKOTA SUPREME COURT; JUDGE SUSAN M. SABERS, IN HER OFFICIAL CAPACITY AS THE CHAIR OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; LARRY M. VON WALD, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; JACK H. HIEB, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; JUDGE JANE WIPF PFEIFLE, IN HER OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; REED RASMUSSEN, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; STEVEN R. BLAIR, IN HIS OFFICIAL CAPACITY AS AN ASSISTANT ATTORNEY GENERAL AND COUNSEL TO THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; SHERIDAN CASH ANDERSON, IN HER OFFICIAL

5:20-CV-05027-KES

ORDER DENYING MOTION TO
COMPEL

CAPACITY AS SECRETARY OF THE SOUTH DAKOTA BOARD OF BAR EXAMINERS; SHIRLEY JAMESON- FERGEL, IN HER OFFICIAL CAPACITY AS THE CLERK OF THE SOUTH DAKOTA SUPREME COURT; AND LAURA J. GRAVES, IN HER OFFICIAL CAPACITY AS THE CHIEF DEPUTY CLERK OF THE SOUTH DAKOTA SUPREME COURT;	
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Defendants.

Plaintiff, Zachary D. Ludens, moves the court for an order compelling the Rule 26(f) discovery conference. Docket 16. Under Rule 26(f)(1), “the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).” Fed. R. Civ. P. 26(f)(1). Under Rule 16(b), “[t]he judge must issue [a scheduling order] within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.” Fed. R. Civ. P. 16(b)(2). The complaint in this case was filed on April 20, 2020 and all defendants acknowledged service on May 8, 2020. Dockets 1, 13. Also, none of the defendants have answered or otherwise responded to the complaint.

Thus, an order compelling the Rule 26(f) conference is not required. It is

ORDERED that Luden’s motion to compel (Docket 16) is denied.

Dated May 19, 2020.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE